



**House  
Legislative  
Analysis  
Section**

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**INCREASE PENALTIES FOR ANIMAL FIGHTING  
RECEIVED**

House Bill 4909 (Substitute H-3)  
First Analysis (10-25-89)

NOV 16 1989

Sponsor: Rep. Gerald H. Law Mich. State Law Library  
Committee: Judiciary

**THE APPARENT PROBLEM:**

Dogfighting, cockfighting, and related exhibitions are banned under Michigan law. Various criminal penalties apply to offenses involving the proscribed activities or the animals bred for them. However, the activities can be extremely lucrative, generating many thousands of dollars for those who organize the events, bet at them, and breed animals for them. The Michigan Humane Society, has suggested that fines for animal fighting offenses be increased, and that community service be provided as a sentencing option to judges who may be reluctant to imposed prison sentences for animal fighting offenses.

**THE CONTENT OF THE BILL:**

The Michigan Penal Code outlaws dogfighting, bear baiting and related animal fighting exhibitions; sanctions regarding fighting between animals also, as a rule, apply to activities where animals are used as targets. It is a felony to own a fighting animal, to be a party to fighting between animals, or to obtain or provide a place for animal fighting. The bill would in addition make it a felony to steal fighting animals, to breed animals for fighting or fight training, to import or export such animals, to promote an animal fighting exhibition, or to manufacture or possess animal fighting equipment. While the maximum prison term for the felony would remain four years, the bill would increase the maximum fine from \$5,000 to \$20,000 for the first offense, and to \$100,000 for a second or subsequent offense. The bill would specifically authorize the court to order up to 1,500 hours of unpaid community service.

It is a felony attend a proscribed exhibition or to be present where preparations are underway for one. The bill would distinguish between first and subsequent offenses. A first offense would be a misdemeanor punishable by up to 90 days in jail, a fine of up to \$500, or both. A second or subsequent offense would be a felony punishable, as now, by up to four years in prison; however, the maximum fine would be increased from \$2,000 to \$25,000, and the court would be authorized to impose up to 800 hours of unpaid community service.

Prohibitions against breeding, selling, or buying a dog used for fighting — a felony — would be extended to include dogs used for any of the outlawed types of exhibitions. The maximum prison term would remain at four years, but the the maximum fine would be increased from \$2,000 to \$25,000. The court could order up to 800 hours of community service.

Various offenses deal with attacks on humans by dogs trained for fighting or descended from dogs trained for fighting. The bill would increase the penalties attached to some of the offenses. If the dog's owner or another person incited the dog to an attack which did not result in the death of a person, the dog's owner would continue to be guilty of a four-year felony, but the possible fine would be increased from \$2,000 to \$50,000, and up to 500 hours of community service could be ordered. The owner of a

fighting dog that attacked without provocation and killed a person is at present guilty of a felony punishable by up to 15 years in prison. Under the bill, the owner would be guilty of involuntary manslaughter, a 15 year felony which is also punishable by a fine of up to \$7,500. The owner of a dog that made an unprovoked, nonfatal attack is at present guilty of a misdemeanor; under the bill, the offense would be a felony, punishable by imprisonment for up to four years, a fine of up to \$2,000, community service of up to 500 hours, or any combination of the three. Community service of up to 250 hours would be made a sentencing option for offenses involving fighting dogs that strayed.

MCL 750.49

**FISCAL IMPLICATIONS:**

Fiscal information is not available at present. (10-25-89)

**ARGUMENTS:**

**For:**

Dogfighting, cockfighting, and related forms of "entertainment" are violent and inhumane exhibitions that generate large profits for those involved, and, in the case of dogfighting, lead to the breeding and training of vicious dogs that pose a threat to human safety. With jails and prisons as overcrowded as they are, even when an investigation cracks a dogfighting ring, there is little assurance that the principals will serve prison time. Worse, the maximum allowable fines are pitifully small compared to the amount of money that can be netted by the illegal activity. The bill would rectify the situation by authorizing community service to be ordered at sentencing, and by increasing the allowable fines to figures more indicative of the money-making potential of dogfighting and related crimes.

**Against:**

Cockfighting is legal in a number of states and part of the cultural heritage in various countries. Even where cockfighting is not enjoyed, gamefowl are bred for show and export. The bill, however, would ban and attach heavy penalties to breeding, selling, or exporting animals to be used for fighting. In doing so, the bill would interfere with acceptable commerce in gamefowl and undermine efforts to preserve various breeds of poultry. Further, the bill appears inconsistent with federal law, which bars transporting fighting animals only if the fight is to take place in a state where such fights are prohibited. The bill is overbroad, and should be amended.

**POSITIONS:**

The Michigan Humane Society supports the bill. (10-24-89)

The United Gamefowl Breeders Association opposes legislation that would prohibit commerce in gamefowl. (10-24-89)

A representative of the Michigan Chapter of the United Gamefowl Breeders Association testified in opposition to the bill. (10-24-89)

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